

# Exhibit 2

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**From:** Newby, Jennifer (USAMIE) <Jennifer.Newby@usdoj.gov>  
**Sent:** Wednesday, February 10, 2021 9:43 AM  
**To:** Miriam Aukerman; Hirst, Kevin C. (CIV); Darling, Bradley (USAMIE)  
**Cc:** Gadsden, Kate; Rhee, Jeannie S; Mendelsohn, Mark F; Jaffe, Peter; Gardner, Darren; Fiorill, Rachel; Gadsden, Kate; Rohit Rajan; Monica C. Andrade; My Khanh Ngo; Maneval, Sarah  
**Subject:** RE: Mr. Dean's death

Hello Miriam,

An autopsy has already been performed by Western Michigan University Upjohn Medical School Medical Examiner and Forensic Services Department, a report has not yet been issued and I have no further details to provide on the autopsy. ICE is working to get the body released to the family, as soon as ICE has contact information to provide to the family I will pass it along.

Thank you,

Jennifer L. Newby  
Assistant United States Attorney  
Deputy Chief of Defensive Litigation  
211 W. Fort St., Ste. 2001  
Detroit, Michigan 48226  
(313) 226-0295

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**From:** Miriam Aukerman <maukerman@aclumich.org>  
**Sent:** Tuesday, February 09, 2021 7:38 PM  
**To:** Newby, Jennifer (USAMIE) <jnewby@usa.doj.gov>; Hirst, Kevin C. (CIV) <Kevin.C.Hirst@usdoj.gov>; Darling, Bradley (USAMIE) <BDarling@usa.doj.gov>  
**Cc:** Kate Gadsden <kgadsden@paulweiss.com>; Jeannie S Rhee <jrhee@paulweiss.com>; Mark F Mendelsohn <mmendelsohn@paulweiss.com>; Peter Jaffe <pjaffe@paulweiss.com>; Darren Gardner <dgardner@paulweiss.com>; Rachel Fiorill <rfiorill@paulweiss.com>; Kate Gadsden <kgadsden@paulweiss.com>; Rohit Rajan <rrijan@aclumich.org>; Monica C. Andrade <mandrade@aclumich.org>; My Khanh Ngo <MNgo@aclu.org>; Maneval, Sarah <smaneval@paulweiss.com>  
**Subject:** RE: Mr. Dean's death

Hi Jennifer,

We have been in touch with Mr. Dean's family. They have several immediate questions.

The family wants an independent autopsy and COVID sample taken from the body. It is our understanding that the Calhoun County Medical Examiner will be conducting an autopsy and that the death is being investigated by the Michigan State Police. Is there a way to ensure that only an independent autopsy is performed? The family does not want the autopsy to be conducted by the Calhoun County Medical Examiner.

The family also wants to know which hospital Mr. Dean was being transported to before he passed away, the morgue at which his body is being held, and the contact information for that morgue. Thank you.

Best,

Miriam

**Miriam Aukerman**

Senior Staff Attorney

American Civil Liberties Union of Michigan

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**From:** Newby, Jennifer (USAMIE) <[Jennifer.Newby@usdoj.gov](mailto:Jennifer.Newby@usdoj.gov)>

**Sent:** Sunday, February 7, 2021 4:23 PM

**To:** Miriam Aukerman <[maukerman@aclumich.org](mailto:maukerman@aclumich.org)>; Hirst, Kevin C. (CIV) <[Kevin.C.Hirst@usdoj.gov](mailto:Kevin.C.Hirst@usdoj.gov)>; Darling, Bradley (USAMIE) <[Bradley.Darling@usdoj.gov](mailto:Bradley.Darling@usdoj.gov)>

**Cc:** Kate Gadsden <[kgadsden@paulweiss.com](mailto:kgadsden@paulweiss.com)>; Jeannie S Rhee <[jrhee@paulweiss.com](mailto:jrhee@paulweiss.com)>; Mark F Mendelsohn <[mmendelsohn@paulweiss.com](mailto:mmendelsohn@paulweiss.com)>; Peter Jaffe <[pjaffe@paulweiss.com](mailto:pjaffe@paulweiss.com)>; Darren Gardner <[dgardner@paulweiss.com](mailto:dgardner@paulweiss.com)>; Rachel Fiorill <[rfiorill@paulweiss.com](mailto:rfiorill@paulweiss.com)>; Kate Gadsden <[kgadsden@paulweiss.com](mailto:kgadsden@paulweiss.com)>; Rohit Rajan <[rrian@aclumich.org](mailto:rrian@aclumich.org)>; Monica C. Andrade <[mandrade@aclumich.org](mailto:mandrade@aclumich.org)>; My Khanh Ngo <[MNgo@aclu.org](mailto:MNgo@aclu.org)>; Maneval, Sarah <[smaneval@paulweiss.com](mailto:smaneval@paulweiss.com)>

**Subject:** RE: Mr. Dean's death

Hello Miriam,

I have confirmed with ICE that the next of kin has been notified. As there is no reasonable basis to believe Mr. Dean had COVID-19, based on his repeated and recent negative testing, the detailed information you request is beyond the scope of this lawsuit. ICE will not voluntarily provide the information or documents requested. As the next of kin has been notified, you may be able to obtain some of the information you seek from the family.

Thank you,

Jennifer L. Newby

Assistant United States Attorney

Deputy Chief of Defensive Litigation

211 W. Fort St., Ste. 2001

Detroit, Michigan 48226

(313) 226-0295

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**From:** Miriam Aukerman <[maukerman@aclumich.org](mailto:maukerman@aclumich.org)>

**Sent:** Saturday, February 06, 2021 9:34 AM

**To:** Newby, Jennifer (USAMIE) <[jnewby@usa.doj.gov](mailto:jnewby@usa.doj.gov)>; Hirst, Kevin C. (CIV) <[Kevin.C.Hirst@usdoj.gov](mailto:Kevin.C.Hirst@usdoj.gov)>; Darling, Bradley (USAMIE) <[BDarling@usa.doj.gov](mailto:BDarling@usa.doj.gov)>

**Cc:** Kate Gadsden <[kgadsden@paulweiss.com](mailto:kgadsden@paulweiss.com)>; Jeannie S Rhee <[jrhee@paulweiss.com](mailto:jrhee@paulweiss.com)>; Mark F Mendelsohn <[mmendelsohn@paulweiss.com](mailto:mmendelsohn@paulweiss.com)>; Peter Jaffe <[pjaffe@paulweiss.com](mailto:pjaffe@paulweiss.com)>; Darren Gardner <[dgardner@paulweiss.com](mailto:dgardner@paulweiss.com)>; Rachel Fiorill <[rfiorill@paulweiss.com](mailto:rfiorill@paulweiss.com)>; Kate Gadsden <[kgadsden@paulweiss.com](mailto:kgadsden@paulweiss.com)>; Rohit Rajan <[rrian@aclumich.org](mailto:rrian@aclumich.org)>; Monica C. Andrade <[mandrade@aclumich.org](mailto:mandrade@aclumich.org)>; My Khanh Ngo <[MNgo@aclu.org](mailto:MNgo@aclu.org)>; Maneval, Sarah <[smaneval@paulweiss.com](mailto:smaneval@paulweiss.com)>

**Subject:** Mr. Dean's death

Hi Jennifer,

We are very sorry to hear this tragic news. As you know, Mr. Dean was a high risk detainee and a member of the Habeas Litigation Group. Given the circumstances for our client, his family and other class members, we unfortunately need to follow up with some questions and requests.

1. Have the next of kin been notified, and if not, when will that occur?
2. Was Mr. Dean tested for COVID-19 during the emergency transport yesterday morning, or have specimens been taken from his body to determine if he had COVID-19?

3. Will an independent (non-County) autopsy be conducted? By whom and when? What input will the family have into who conducts the autopsy?
4. Was Mr. Dean in contact with anyone with a confirmed or potential case of COVID in the past two weeks?
5. Given that this death could be COVID-related, what precautions, including testing or isolation, are being taken for other detainees with whom Mr. Dean was in contact? Our records show him most recently in pod C, where there are at least three other conceded high risk individuals.

We would also ask you to provide us with the following documents.

1. Mr. Dean's complete medical records, including records for medication administration, sick call, chronic care encounters, and EKG results. This also includes all medical records from yesterday, as well as all COVID-19 test results for Mr. Dean. Your email indicates that he was tested four times, but the most recent testing log we have shows only two tests.
2. Mr. Dean's detention file and A-file.
3. All video or audio recordings depicting Mr. Dean for the 48 hours before his death, or depicting events related to his death, such as the transport.
4. A copy of Calhoun's policies for deaths in custody.
5. All investigative reports, audits, witness statements, or other similar documents related to Mr. Dean's death.
6. Any autopsy report, whether preliminary or not.
7. The ICE detainee death report.

We ask that you provide those documents that currently exist as soon as possible. Categories 1-4 should be available now, as should some documents in category 5. Additional documents should be provided as they become available. Please let us know if you are not prepared to provide this information. We assume that Calhoun and ICE will be preserving all records, including all video and audio records, related to Mr. Dean.

Finally, please extend our condolences to the staff at Calhoun. We can appreciate that a death takes a toll on the staff.

Thank you.

Miriam

**Miriam Aukerman**

Senior Staff Attorney

American Civil Liberties Union of Michigan

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**From:** Newby, Jennifer (USAMIE) <[Jennifer.Newby@usdoj.gov](mailto:Jennifer.Newby@usdoj.gov)>

**Sent:** Friday, February 5, 2021 2:46 PM

**To:** William Barkholz <[William\\_Barkholz@mied.uscourts.gov](mailto:William_Barkholz@mied.uscourts.gov)>; Casey Thomson

<[Cassandra\\_Thomson@mied.uscourts.gov](mailto:Cassandra_Thomson@mied.uscourts.gov)>; Miriam Aukerman <[maukerman@aclumich.org](mailto:maukerman@aclumich.org)>; Darling, Bradley (USAMIE)

<[Bradley.Darling@usdoj.gov](mailto:Bradley.Darling@usdoj.gov)>; My Khanh Ngo <[MNgo@aclu.org](mailto:MNgo@aclu.org)>; Maneval, Sarah <[smaneval@paulweiss.com](mailto:smaneval@paulweiss.com)>

**Cc:** Kate Gadsden <[kgadsden@paulweiss.com](mailto:kgadsden@paulweiss.com)>; Jeannie S Rhee <[jrhee@paulweiss.com](mailto:jrhee@paulweiss.com)>; Mark F Mendelsohn

<[mmendelsohn@paulweiss.com](mailto:mmendelsohn@paulweiss.com)>; Peter Jaffe <[pjaffe@paulweiss.com](mailto:pjaffe@paulweiss.com)>; Darren Gardner <[dgardner@paulweiss.com](mailto:dgardner@paulweiss.com)>;

Rachel Fiorill <[rfiorill@paulweiss.com](mailto:rfiorill@paulweiss.com)>; Hirst, Kevin C. (CIV) <[Kevin.C.Hirst@usdoj.gov](mailto:Kevin.C.Hirst@usdoj.gov)>; Kate Gadsden

<[kgadsden@paulweiss.com](mailto:kgadsden@paulweiss.com)>; Andrew Stacer ([astacer@stacerplc.com](mailto:astacer@stacerplc.com)) <[astacer@stacerplc.com](mailto:astacer@stacerplc.com)>; Rohit Rajan

<[rrajan@aclumich.org](mailto:rrajan@aclumich.org)>; Monica C. Andrade <[mandrade@aclumich.org](mailto:mandrade@aclumich.org)>

**Subject:** RE: 20-10829- Malam v Rebecca Adducci et al.

Good afternoon,

In the interest of maximum transparency, I regretfully inform you that a class member, Jesse Dean, passed away this morning. It appears to be a cardiac event and he expired during EMS transport. It is not related to COVID-19, he tested negative four times, with the last negative test being January 28, 2021, and Calhoun is not aware of any history of being diagnosed with COVID-19.

Thank you,

Jennifer L. Newby  
Assistant United States Attorney  
Deputy Chief of Defensive Litigation  
211 W. Fort St., Ste. 2001  
Detroit, Michigan 48226  
(313) 226-0295

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**From:** William Barkholz <[William\\_Barkholz@mied.uscourts.gov](mailto:William_Barkholz@mied.uscourts.gov)>  
**Sent:** Friday, February 05, 2021 1:29 PM  
**To:** Newby, Jennifer (USAMIE) <[jnewby@usa.doj.gov](mailto:jnewby@usa.doj.gov)>; Casey Thomson <[Cassandra\\_Thomson@mied.uscourts.gov](mailto:Cassandra_Thomson@mied.uscourts.gov)>; Miriam Aukerman <[maukerman@aclumich.org](mailto:maukerman@aclumich.org)>; Darling, Bradley (USAMIE) <[BDarling@usa.doj.gov](mailto:BDarling@usa.doj.gov)>; My Khanh Ngo <[MNgo@aclu.org](mailto:MNgo@aclu.org)>; Maneval, Sarah <[smaneval@paulweiss.com](mailto:smaneval@paulweiss.com)>  
**Cc:** Kate Gadsden <[kgadsden@paulweiss.com](mailto:kgadsden@paulweiss.com)>; Jeannie S Rhee <[jrhee@paulweiss.com](mailto:jrhee@paulweiss.com)>; Mark F Mendelsohn <[mmendelsohn@paulweiss.com](mailto:mmendelsohn@paulweiss.com)>; Peter Jaffe <[pjaffe@paulweiss.com](mailto:pjaffe@paulweiss.com)>; Darren Gardner <[dgardner@paulweiss.com](mailto:dgardner@paulweiss.com)>; Rachel Fiorill <[rfiorill@paulweiss.com](mailto:rfiorill@paulweiss.com)>; Hirst, Kevin C. (CIV) <[Kevin.C.Hirst@usdoj.gov](mailto:Kevin.C.Hirst@usdoj.gov)>; Kate Gadsden <[kgadsden@paulweiss.com](mailto:kgadsden@paulweiss.com)>; Andrew Stacer <[astacer@stacerplc.com](mailto:astacer@stacerplc.com)> <[astacer@stacerplc.com](mailto:astacer@stacerplc.com)>; Rohit Rajan <[rrojan@aclumich.org](mailto:rrojan@aclumich.org)>; Monica C. Andrade <[mandrade@aclumich.org](mailto:mandrade@aclumich.org)>  
**Subject:** RE: 20-10829- Malam v Rebecca Adducci et al.

Counsel,

A status conference has been scheduled for **February 11<sup>th</sup> at 11:30 a.m.** Below is the Zoom link to join the conference.

Thank you, and have a nice weekend!

William J. Barkholz  
Case Manager to  
Honorable Judith E. Levy  
United States District Judge  
Eastern District of Michigan  
(734) 887-4701

William Barkholz is inviting you to a scheduled ZoomGov meeting.

**Topic: 20-10829 Malam v Rebecca Adducci et al**  
**Time: Feb 11, 2021 11:30 AM Eastern Time**

Join ZoomGov Meeting  
<https://www.zoomgov.com/j/1607599349?pwd=ZlZrellkS3d3TjhPZlRoQkwwMVRIUT09>

Meeting ID: 160 759 9349  
Passcode: 371346  
One tap mobile